RECEIVED
OCT 18 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)
Public Interest Obligations	) MM Docket No. 99-360
of TV Broadcast Licensees	)

Remarks of the American Foundation for the Blind and the Alliance for Public Technology
***En Banc Hearing* on Public Interest Obligations of Television Broadcasters**
October 16, 2000

On behalf of the American Foundation for the Blind [1]and the Alliance for Public technology,[2] I want first to commend the Chairman and the Commission for their bold action last July in approving a Report and Order on video description[3] that will begin to make television far more accessible and informative for millions of people who are blind or visually impaired. I also want to applaud the Commission's action on that same day in ensuring that closed captioning[4] capabilities are required and enhanced in new digital television receivers. Through these recent efforts the Commission has added to a growing framework of communications policies that help to ensure that the 54 million Americans with disabilities are able to reap the opportunities and benefits brought on by the revolution in information technology. The proceedings on public

[1]The mission of the American Foundation for the Blind (AFB) is to enable people who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice in their lives. AFB fulfills this mission primarily by preparing and disseminating information resources for the public, educating policymakers about the needs and capabilities of people who are blind or visually impaired, and advocating the development and implementation of blindness-related public policy. A non-profit organization founded in 1921 and recognized as Helen Keller's cause in the United States, AFB is a leading national and international resource for blind individuals and the professionals who serve them. AFB has worked tirelessly to change societal attitudes about blindness and to promote independence, productivity, and dignity for all people who experience vision loss.

[2]The Alliance for Public Technology (APT) is a nonprofit membership organization based in Washington, DC. Membership is open to all nonprofit organizations and individuals, not members of the affected industries, concerned with fostering access to affordable and information and communication services and technologies by all people.

[3]Report and Order, Implementation of Video Description of Video Programming, MM Docket No. 99-339; FCC 00-258, Adopted: July 21, 2000 Released: August 7, 2000

[4]Report and Order, Closed Captioning Requirements for Digital Television Receivers, ET Docket No. 99-254, MM Docket No. 95-176, Adopted: July 21, 2000 Released: July 31, 2000

interest obligations of digital television licensees offer an important opportunity to add to this framework.

There are three areas which I believe must be addressed in the transition to digital television. First, action by the Commission is needed to ensure the efficacy and viability of video description in this new environment. Second, while the rules governing closed captions are fairly comprehensive there are clarifications and enhancements that are warranted for digital television. Finally, those of us with disabilities believe that at the dawn of this new system, it is proper to ensure the accessibility of ancillary services made available on the digital television platform.

Video Description

Delivery of video descriptions in the analog television environment was, and will remain, a principle challenge facing broadcasters and viewers alike. This is because the only channel available for descriptions is the second audio program channel and not all broadcasters or television receivers make use of the channel. Nonetheless, people who are blind or visually impaired anxiously await the historic first step toward video description of television programs in 2002 made possible by the Commission's action in mandating video description. The Commission elected to base requirements for video description in digital television on the experience with the current rules.[5] I urge the Commission to act now to eliminate a future obstacle to description in the digital environment.

---

[5]Report and Order, Implementation of Video Description of Video Programming, MM Docket No. 99-339; FCC 00-258, Adopted: July 21, 2000 Released: August 7, 2000, paragraph 8, "Although the rules we adopt today do not apply to digital broadcasts, we expect ultimately to require digital television broadcasts to contain video description. We believe, however, that the decision on how and when to develop those requirements should come after there has been further experience with both digital broadcasting and video description.

The analog standard has been a major limitation on the expansion of video description. In contrast, digital technology offers multiple audio channels, with significantly greater bandwidth, that can more easily and inexpensively accommodate video descriptions. Currently, the DTV standard does not require that bandwidth be designated for video description. This leaves program producers and providers to decide whether or not to use some of their bandwidth for video description. Absent a clear requirement to set aside bandwidth for video description, the available spectrum will quickly be reserved for other purposes and will not be available as a means of providing equal access for people who are blind or have other disabilities to the abundant information and entertainment available through video programs. The competitive marketplace that will dominate bandwidth utilization is the wrong forum to decide if people who are blind or visually impaired will be served by the digital television airwaves. By designating a data stream for video description, consumers, manufacturers and program providers will have a reliable structure on which to build video description. In short, data space video description needs to be set-aside, preserved and protected.

Beyond designation of bandwidth for video description consumers with disabilities need a reliable and accessible way to listen to descriptions in the digital TV environment. For that reason, the Commission must act to ensure that consumer equipment and reception devices are required to be manufactured so that video descriptions are accessible. This requires equipment makers to ensure that the audio channel is available in conjunction with the main audio for a program and that the user interface for selecting and controlling the description channel is accessible to consumers who are blind or visually impaired. The requirements must apply to all DTV sets and not just certain models. Action to ensure access to receiver technologies is an appropriate continuation of the access requirements developed pursuant to Section 255 of the

Telecommunications Act. The Commission can build on the excellent work already produced in that Report and Order.

Ultimately, we are confident that the experience with video description will warrant its migration into digital television and that the Commission will act to phase-in video description. By taking action now to ensure that it is supported in the standard and in the receivers, it will be far easier to ensure access to television programming for millions of viewers with visual impairments or other disabilities.

Closed Captioning

The Commission has made great strides in ensuring access to television for Americans who are deaf or hard of hearing through closed captions. There are, however, some specific measures that should be taken to ensure access to digital television. First, the Commission must affirm the requirement for closed captioning without regard to the nature of the channel over which it is transmitted so that the rule applies to all programs multicast by a digital television broadcaster.

As broadcasters make the move to digital delivery with all of the facility changes that entails, it is an appropriate time to require real time captioning for all of their news programming. The Telecommunications Act's mandate to provide full television access can only be met with real time, up to the minute captioning of newscasts. Similarly, the FCC should require all digital broadcasters to provide real time captioning access for all televised information about emergencies and disasters.

Another area in which closed captioning requirements should be extended in the digital television environment concerns local programming. If the Commission requires broadcasters to provide locally-originated public interest programming, it should also affirm that this programming should be made accessible through closed captions. This public interest obligation

should be made clear because current rules for closed captioning that exempt locally produced non-news programming with limited repeat value. Similarly, current exemptions from closed captioning for certain advertising or PSAs should not apply to any requirements placed on DTV broadcasters with respect to free time for political candidates.

Ancillary Services

New digital television technologies promise an array of ancillary and supplementary services based on the capacity to transmit huge amounts of data. It is critical that the needs of individuals with disabilities not be ignored with the advent of these new technologies. The provision of these new ancillary services can open a world of opportunities for individuals with disabilities who are seeking full participation in our society.

People with disabilities are concerned that the variety of new services and user choices that are emerging in the digital TV environment will dramatically exacerbate the access problems already experienced in using their televisions. Increasingly common features such as on-screen menus are extremely difficult to navigate and control for people with disabilities, especially those who are blind or visually impaired. Similarly, we expect that many enhanced services made available with digital television such as program guides and supplemental program information will not be useable by consumers with disabilities. The Commission should take this opportunity to ensure a fully accessible user interface to DTV equipment. Otherwise, consumers with disabilities will be left out of much of the hoped for advantages and may be unable to use the very services that are supposed to meet access obligations.

Because television programming is likely to grow in its employment of Internet technologies, the Commission should consider how best to apply access obligations to this space as well. It will be increasingly difficult to separate the information made available via broadcast programming from that provided by the broadcaster via the Internet. The industry-led World

Wide Web Consortium's Web Accessibility Initiative has produced effective guidelines for Web-based information and Web-related technologies.

Finally, the likelihood that digital broadcasters will use a portion of their spectrum for high-capacity data transmissions offers a tantalizing prospect for serving the needs of the local community. By providing broadband Internet access to local schools, libraries and community centers a DTV broadcaster could help bridge the digital divide in its community. I hope that the Commission will explore these opportunities for expanding access to better serve the public interest.

Conclusion

Historically, new communications technologies have been designed and developed without considering the needs of individuals with disabilities. Congress recognized the general failure of market forces to meet these needs when it enacted Sections 305 and 255 of the Telecommunications Act, requiring access to video programming and access to telecommunications equipment and services, respectively. The Commission has acted to construct a policy framework that welcomes people with disabilities into the new communications environment.

As major technology industry CEOs pointed out last month in "An Open Letter on Accessibility from Technology Executives"[6]:

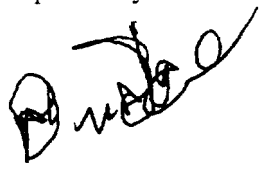
> If our products and services are designed to be accessible, people with disabilities will find it easier to work, access a growing universe of electronic information and services, and lead more independent lives. If we fail to do this, people with disabilities could be further isolated from the mainstream of our economy and our society.

[6]See attached letter from CEOs of major technology companies to William Jefferson Clinton, President of the United States (September 21, 2000).

It is easier and less expensive to make products and services accessible when products and services are designed from the outset with access in mind. This transition to digital television affords just such an opportunity to set the right policies at the outset.

Those given the privilege to control portions of valuable public spectrum should be obliged to include the whole public in their use of that spectrum. People with disabilities face many challenges that can be met with access to information. I urge you to build on the foundation provided by the Americans with Disabilities Act, the Telecommunications Act and set reasonable rules now for access to the programming and services made possible by digital television. If we fail to set access policies now for digital television, we will face the very difficult task of establishing retrospective access requirements to address the barriers put in the way of Americans with disabilities by providers in the digital television environment who never thought about this population.

Respectfully submitted,



Paul W. Schroeder
Vice President, Governmental Relations
American Foundation for the Blind
820 First Street, N.E., Suite 400
Washington, DC 20002
202-408-8172
pws@afb.net
-and-
President
Alliance for Public Technology
Washington, D.C.

AN OPEN LETTER ON ACCESSIBILITY FROM TECHNOLOGY EXECUTIVES

The Honorable William Jefferson Clinton
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

September 21, 2000

Dear Mr. President:

As the CEOs of a number of America's leading high-tech companies, we strongly support your efforts to promote the accessibility of information and communications products and services for people with disabilities.

We believe that there are two compelling reasons to do so. First, accessible information technology can be a powerful tool for expanding opportunity in the emerging information society. If our products and services are designed to be accessible, people with disabilities will find it easier to work, access a growing universe of electronic information and services, and lead more independent lives. If we fail to do this, people with disabilities could be further isolated from the mainstream of our economy and our society. Second, there are sound economic and commercial incentives to make our products more accessible. Globally, there are over 750 million people with disabilities, and there are 54 million in the United States alone. Making our products accessible will also make it easier for us to serve the rapidly growing population of seniors. Moreover, increasing the accessibility of our products can often improve their functionality for everyone, not just for people with disabilities. Designing products and services that can give customers a choice of input and output mechanisms will help people with disabilities, but it will also help the mobile professional trying to access the Web on a handheld wireless device.

This issue requires private sector leadership. The federal government can help create the right policy environment, but it is ultimately companies that must design, develop and market accessible products and services. To make concrete progress on this issue, and to elevate its importance within our companies, all of us are committed to developing a corporate-wide policy on accessibility within the next six months. The specifics of our policies will vary because of the different markets that we serve, but all of us will seek to include the following private sector "best practices" as appropriate:

- Raise the level of awareness of accessibility issues within our company, and provide our employees with the training they need to design accessible products and services;

- Develop accessibility guidelines for products and services, and hold product development groups accountable for implementing these guidelines where technically and economically feasible;

- Involve people with disabilities in the development of our accessibility guidelines, or in the design and testing of our products and services;
- Devote sufficient product development and engineering resources to identify and rapidly address known accessibility problems, in future products and upgrades;
- Make it easier for our developer community to create accessible products and services by making available training, guidelines, and technology solutions;
- Document the accessibility features of our products and publicly-available services;
- Support internal and external (e.g. university-based) research and development that will improve the state-of-the-art of accessible technology that is relevant to our products and services; and
- Support implementation of standards that advance accessibility, such as the World Wide Web Consortium (W3C) guidelines on accessible browsers, Web content and authoring tools.

As an industry, we will also commit to establishing a Web site that will collect private sector policies on accessibility as a way of encouraging the rapid dissemination and adoption of best practices. Thank you for your leadership on this important issue.

Sincerely,

John Warnock
CEO
Adobe Systems, Inc.

Meg Whitman
President & CEO
eBay, Inc.

Dr. Irwin M. Jacobs
Chairman of the Board
Qualcomm

Stephen M. Case
Chairman & CEO
America Online, Inc.

Leo J. Hindery, Jr.
CEO
Global Crossing

Scott A. McNealy
Chairman & CEO
Sun Microsystems, Inc.

C. Michael Armstrong
Chairman & CEO
AT&T

Carly S. Fiorina
President & CEO
Hewlett-Packard Company

Eric A. Benhamou
Chairman & CEO
3Com Corporation

Duane Ackerman
Chairman & CEO
BellSouth

Rob Burgess
Chairman & CEO
Macromedia, Inc.

James C. Morgan
Chairman & CEO
Applied Materials, Inc.

Michael D. Capellas
President & CEO
Compaq Computer Corp.

Steve Ballmer
CEO
Microsoft Corporation

Donna Dubinsky
CEO
Handspring

John Keane
Chairman & CEO
Keane, Inc.

Peter Hering
President
PST, Inc.

Amardeep Lamba
President
Absolute Solutions, Inc.

Larry L. Petersen
President
Advanced Network
Technologies, Inc.

David Lane
General Partner
Alpine Technology Ventures

Mark Hill
President
Baker Hill Corp.

David Westin
President & CEO
Channel Automation, Inc.

Hani MN Alaouie
President
Dearborn Technical Institute

Scott A. Martin
President
diCarta, Corp.

Paul Lippe
CEO
e-SKOLAR

Brad Beckman
CEO
JTBS, Inc

Nick Grouf
CEO & Founder
PeoplePC, Inc.

Elaine M. Verna
President/Acting CEO
IsSound Corporation

Curt M. Vinson
President
Lyme Computer Systems

Lalit J. Chabria
President
Micropower Business
Solutions

Marc Ostrofsky
President
Multimedia Venture Partners

Lars Nyberg
Chairman & CEO
NCR Corporation

George F. Adam, Jr.
Chairman & CEO
NEON New Era Networks

Rick Dutta
CEO
Nexgenix

Tim O'Reilley
Founder
O'Reilley & Associates

Jimmy Edwards
President & CEO
Premier Computing Training

Bob Young
Chairman
Red Hat, Inc.

Lucia Klebar
President
ProMentor

LaWanda Armstrong
President & CEO
QuesTech Communications

Ariel Kleckner
President & Founder
Red Gorilla

Sterling Ledet
President
Sterling Ledet & Associates,
Inc.

Gregory M. Avis
Managing Partner
Summit Partners

Frank J. Ponzio, Jr.
President & Founder
Symbolic Systems, Inc.

Paul Okoye Chukwudi
President & CEO
Synergistic Software
Solutions

William M. Nelson
CEO
Will Nelson Computer
Services, Inc.

Arthur R. Rippey
President
World Technology Computer
Learning Center, Inc.